

COMMUNICATION STRATEGY

Toxics Release Inventory (TRI): Final Rule to Add NAICS Codes for TRI Reporting

KEY WORD TITLE: TRI Reporting Using NAICS

OFFICIAL TITLE: Community Right-to-Know; Toxic Chemical Release Reporting Using North American Industry Classification System (NAICS); Proposed Rule

ISSUE IMPORTANCE: Low

PROJECTED
ANNOUNCEMENT

DATE: Publication in Federal Register: May, 2006

1. ACTION:

EPA is including in 40 CFR Part 372 the NAICS codes that correspond to the SIC codes that are currently subject to the TRI reporting requirements. Facilities subject to TRI reporting requirements will report NAICS codes on EPCRA section 313 reporting forms beginning with TRI reporting forms that are due on July 1, 2007, covering releases and other waste management activities at facilities for the 2006 calendar year. This rule adds no new reporting requirement, and there will be no net increase in respondent burden.

2. MESSAGE:

On April 9, 1997, the Office of Management and Budget (OMB) published a Federal Register Notice of final decision (62 FR 17288) to adopt NAICS for the United States, a new economic classification system that replaces the SIC system which has traditionally been used by the federal government for collecting and organizing industry-related statistics. OMB's Economic Classification Policy Committee (ECPC) developed NAICS in cooperation with the Instituto Nacional de Estadística, Geografía e Informática (INEGI) of Mexico and Statistics Canada, in order to standardize the industrial statistics produced by the three countries. It was felt that the SIC system was inadequate for this purpose, in part because it classified industries on the basis of several different economic concepts. NAICS, on the other hand, classifies establishments according to similarities in the processes used to produce goods and services. NAICS is the first industry classification system developed in accordance with a single principle of aggregation, the principle that producing units that use similar production processes should be grouped together in the classification.

Notwithstanding its primary function as a tool to aid in the collection and organization of industrial statistical information, OMB recognized that NAICS, like its predecessor, SIC, may also be effectively used for nonstatistical purposes including administrative, tax, and regulatory programs. However, in its notice of final decision adopting NAICS for the United States, OMB instructed the heads of government agencies to determine whether NAICS industry definitions are appropriate for implementing NAICS in such programs. (See 62 FR 17288, 17294.) EPA's Administrator has determined that NAICS industry definitions will be appropriate for implementing section 313 of EPCRA and section 6607 of the PPA.

In this final rule, EPA is amending 40 CFR Part 372 to include the NAICS codes that correspond to the SIC codes that are currently subject to the reporting requirements of section 313 of EPCRA and section 6607 of the PPA. EPA is also amending 40 CFR 372.85(b)(5) and 372.95(b)(10) such that covered facilities would report their appropriate NAICS codes on the TRI reporting form, Form R, and in Alternate Threshold Certification Statements, Form A, where applicable. EPA is also amending 40 CFR 372.38(g) and (h), and 40 CFR 372.45 to include the NAICS codes that will be subject to the exemption and notification requirements of those sections. Finally, EPA is amending 40 CFR 372.38(e) to extend the exemption provided therein to owners of covered facilities who lease, with no other business interest, such facilities to operators of establishments that are classified in any SIC code or NAICS code that is subject to TRI reporting requirements.

3. AUDIENCES:

- (a) All TRI-regulated facilities
- (b) State Section 313 contacts
- (c) EPA regional offices
- (d) Users of the TRI data

4. OVERALL APPROACH:

Publication in Federal Register
Notification to EPA Regions and States
Notification to other EPA Headquarters' Offices
Revise TRI reporting forms, TRI Explorer, Envirofacts and other TRI tools and guidance documents
TRI Web site notices
Fact sheet for distribution to the regulated community
Notification to EPCRA Call Center
Inclusion in TRI workshops and training sessions